

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**IN RE:**

**KELLY WAY,  
MELISSA WAY,**

**DEBTORS.**

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**KELLY WAY,  
MELISSA WAY,**

**PLAINTIFFS,**

**VS.**

**VYSTAR CREDIT UNION,**

**DEFENDANT.**

\* **CHAPTER 13 CASE NO.**

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\* **10-08145-JAF**

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\* **ADVERSARY**

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\* **PROCEEDING NO.**

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\* **11-AP-00170-JAF**

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**JUDGMENT**

The above-styled adversary proceeding having come before the Court, upon the pleadings and affidavits filed therein, and pursuant to Federal Rule of Bankruptcy Procedure 7012, it is

**ADJUDGED:**

1. The Court finds that the Plaintiff's homestead property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by BAC Home Loans Servicing, LP, in the amount of \$129,636.95 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.

2. Claim No. 4 filed by VyStar Credit Union shall be treated as an unsecured claim in the Chapter 13 case.

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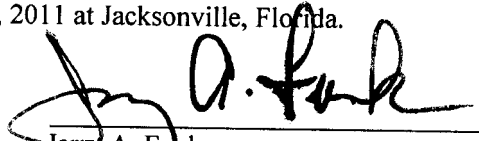
3. The real property (the "Real Property") that is subject of the proceeding is located at 8815 Falcon Trace Drive North, Jacksonville, FL 32222, and more particular described as follows:

**LOT 10, BLOCK 1, FALCON TRACE UNIT TWO, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, PAGES 46 AND 46A, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.**


4. The mortgage held by VyStar Credit Union recorded on May 31, 2006, at Book 13295, Page 1937, Instrument No. 2006188288 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of VyStar Credit Union's lien prior to the entry of the Debtor's discharge.

5. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be resorted as a secured debt.

Dated this 4 day of August, 2011 at Jacksonville, Florida.

  
Jerry A. Funk  
United States Bankruptcy Judge

I certify the foregoing to be true  
and correct copy of the original.  
CLERK OF COURT  
U. S. BANKRUPTCY COURT

By: 

Dated: 8/4/11

Copies to:  
King & Dolaghan, P.A., Attorney for Plaintiff  
VyStar Credit Union, Defendant  
Douglas W. Neway, Trustee  
U.S. Trustee

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
FILE NO. 54 NO. 7391